

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

C&J ASSOCIATES PEST CONTROL,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-cv-884-MEF
)	
BOB RILEY, et al.,)	
)	
Defendants.)	

MOTION TO EXTEND SCHEDULING ORDER DEADLINES

COMES NOW Defendant Bob Riley, sued in both his individual capacity and his official capacity as Governor of Alabama, by and through the undersigned counsel, and moves this Honorable Court to extend certain deadlines specified in the Uniform Scheduling Order (Doc. 62). In support of this motion, Governor Riley states as follows:

1) The Uniform Scheduling Order (Doc. 62), entered on January 30, 2007, imposes a number of deadlines on the parties in this case that must be met over the course of the next month and a half. These include: (a) the deadline for filing summary judgment motions (extended to September 7, 2007, by the Order of the Court dated August 7, 2007 (Doc. 83)); (b) the completion of discovery (September 17, 2007); (c) the exchanging of witness lists (October 8, 2007); (d) the parties engaging in face-to-face settlement negotiations (October 8, 2007); (e) the

identification of deposition excerpts to be used at trial (October 8, 2007); and (f) the furnishing of exhibits and tangible evidence to be used at trial (October 8, 2007). Additionally, the performance of some the actions required by these deadlines will require responses or objections from other parties, the timeframe for which is specified in the Uniform Scheduling Order (Doc. 62).

2) On March 23, 2007, the Magistrate Judge recommended the dismissal of all the Plaintiff's claims in this case (Doc. 70). On April 30, 2007, the Plaintiff filed his objections to the Magistrate Judge's recommendation (Doc. 81). Since then, however, the District Judge has not yet made a dispositive ruling on the Defendants' motions to dismiss.

3) Given the current circumstances, the Defendants will be unable to meet the deadlines set forth in paragraph (1) above. Moreover, it would be imprudent to expend the resources of either this Honorable Court or the State of Alabama by requiring the parties to attempt to meet these various deadlines when there is a likelihood this case will be dismissed outright.

4) The Magistrate Judge has previously expressed a preference for setting "a distinct, concrete deadline in this matter," as opposed to granting a general stay (Doc. 83, n.1). Therefore, Governor Riley respectfully requests that all the deadlines herein identified be extended for two months.

Done this 5th day of September 2007.

Respectfully submitted,

/s/ Scott L. Rouse

Scott L. Rouse

Bar Number ASB-6905-S72S

Deputy Legal Advisor

Office of the Governor

ADDRESS OF COUNSEL:

Office of the Governor
State Capitol, Suite NB-05
600 Dexter Avenue
Montgomery, Alabama 36130
(334) 242-7120 Phone
(334) 242-2335 Fax
scott.rouse@governor.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys:

Benjamin Howard Albritton
Richard H. Cater
Griffin Lane Knight
Robin Garrett Laurie
Robert Jackson Russell, Sr.
William Leonard Tucker

I also hereby certify that I have mailed by United States Postal Service to the following:

C&J Associates Pest Control
c/o Curtis Duncan
P.O. Box 8186
Montgomery, AL 36110

William B. Alverson, Jr.
P.O. Box 880
Andalusia, AL 36420

/s/ Scott L. Rouse

Scott L. Rouse
Bar Number ASB-6905-S72S
Deputy Legal Advisor
Office of the Governor